

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.1061 of 2006
In
Second Appeal St.No.42271 of 2002

Chandrakant Dattu Rajpure & ors.	Appellants
Vs.	
Pralhad Mukinda Rajpure @ Salunkhe and ors.	Respondents
Mr.Prataprao Shinde for appellants.	
Mr.V.S.Talkute for resp.no.1.	

CORAM: B.H.MARLAPALLE, J.

June 27, 2007.

P.C.

. Second Appeal under Stamp No.42271 of 2002 has been filed beyond time by 248 days and hence this application for condonation of delay. The respondent no.1 is the main contesting party and Mr. Talkute appears for the said respondent. Affidavit-in-reply has been filed opposing the said application.

. The lower Appellate Court decided the appeal on 22/11/1999 but ex-parte. The applicants had no knowledge about the Darkhast application till they received the notice in Darkhast No.232 of 2001. Application No.35 of 2002 was thereafter filed for setting aside the ex-parte order passed in the appeal and this application came to be rejected on

20/7/2002. Certified copy received on or about 16th August 2002 got misplaced and, therefore, the applicants again applied for certified copies on 17/9/2002 and the copies were received on 8/10/2002.

. I am, therefore, satisfied that the delay caused in filing the Second Appeal deserves to be condoned but by levying costs.

. Hence the application is allowed and the delay caused in filing the second appeal is hereby condoned subject to payment of costs quantified at Rs.500/- and to be remitted to the Maharashtra State Legal Services Authority within a period of two weeks from today.

. Appeal be listed for admission on 30th July 2007.

(B.H.MARL